IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 6208 of 2001(L)

PETITIONERS:
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1. **D.V.SEEKALA, SUTHI BHAVAN, KANNANMUKKU, KILIMANOOR, THIRUVANANTHAPURAM**

2. **K.LAL KUMAR, SABARI, NJAVELIKONAM, KILIMANOOR, THIRUVANANTHAPURAM.**

3. **S.NATARAJAN, ASWATHY, MAHADEVASWARAM, KILIMANOOR, THIRUVANANTHAPURAM**

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS:
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1. **STATE OF KERALA REP.BY CHIEF SECRETARY, LOCAL ADMINISTRATION (E) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE PAZHAYAKUNNEL GRAMA PANCHAYATH, REP.BY ITS SECRETARY, KILIMANOOR.**

3. **JIBI, S/O. RAVEENDRAN, SASTHAMPADICKAL VEEDU, CHITTATTINKARA DESOM, AVANAVANCHERRY VILLAGE, ATTINGAL.**

4. **TAHSILDAR, CHIRAYINKEEZHU TALUK.**

BY ADV. SRI.R.S.KALKURA
SRI.S.JAMES VINCENT
SRI.R.GOPAN
GOVERNMENT PLEADER SRI.PUZHAKKARA MUHAMMED

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.6208/2001

ORDER ON CMP. NO.10208/2001 IN OP. NO.6208/2001

DISMISSED

22.11.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PHOTOGRAPH OF THE SITE OF THE PETITIONER.

EXT.P1(a):- COPY OF THE SITE SKETCH OF THE PETITIONER.

EXT.P2:- COPY OF THE ORDER IN CMP. NO.12697/99 OP.7530/99 OF THIS HONOURABLE COURT.8.4.99.

EXT.P3:- COPY OF THE JUDGMENT IN OP. 7530/99 OF THIS HONOURABLE COURT. DT. 5.1.2000.

E.XT.P4:- COPY OF THE ORDER GO.RT 1802/2000 LSGD OF THE IST RESPONDENT.28.4.2000.

EXT.P5:- COPY OF THE ORDER IN OS. NO.618/2000 OF THE ATTINGAL MUNSIFF COURT. DT. 24.6.2000.

EXT.P6:- COPY OF THE LETTER OF THE 2ND RESPONDENT. DT. 27.10.2000.

EXT.P7:- COPY OF THE LETTER OF THE IST RESPONDENT DT. 24.11.2000.

EXT.R3(A):- COPY OF THE JUDGMENT IN CRP. 1498/99 DT. 2.2.01.

EXT.R3(B):- COPY OF THE REPORT DT. 20.7.99 OF THE TAHASILDAR SENT TO THE RDO, TRIVANDRUM.

EXT.R3(C):- COPY OF THE ORDER IN IA. 1090/2000 ION OS. 618/98 OF THE MC. ATTINGAL.

EXT.R2(a):- COPY OF THE LETTER NO.PW.101/99 DT. 24.5.2000 ADDRESSED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

EXT.R2(b):- COPY OF THE LETTER NO. PW 101/99 DT. 20.6.2000 ADDRESSED BY THE 2ND RESPONDENT TO THE TAHSILDAR, CHIRAYINKIL.

OP. NO.6208/2001

EXT.R2(c):- COPY OF THE LETTER NO.PW.101/99 DT. 20.6.2000 ADDRESSED BY THE 2ND RESPONDENT TO THE DEPUTY SECRETARY, LOCAL SELF GOVERNMENT (ED) DEPARTMENT.

EXT.R2(d):- COPY OF THE LETTER NO. PW.101/99 REMINDER NO.II) DT. 27.7.2000 ADDRESSED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

EXT.R2(e):- COPY OF THE LETTER NO.PW.101/99 DT. 25.10.2000 ADDRESSED BY THE 2ND RESPONDENT TO THE DEPUTY SECRETARY, LOCAL SEL GOVERNMENT (E) DEPARTMENT.

EXT.R2(f):- COPY OF THE GOVERNMENT LETTER NO.53750/E1/2000/LSGD DT. 18.4.01.

EXT.R2(g):- COPY OF THE LETTER NO.PW.101/99 DT. 1.7.5.01 ADDRESSED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT AND HANDED OVER TO THE ADDL. TAHASILDAR, CHIRAYINKIL.

EXT.R2(h):- COPY OF THE GOVERNMENT LETTER NO.53750/E1/2000/LSGD DT. 1.6.01.

EXT.R2(i):- COPY OF THE LETTER NO.PW.101/99 DT. 1.7.6.01 ADDRESSED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.

EXT.R2(j):- COPY OF THE LETTER NO.PW.101/99 DT. 19.6.01 SUBMITTED BY THE 2ND RESPONDENT TO THE SECRETARY, LOCAL SELF GOVERNMENT (E) DEPARTMENT.

/TRUE COPY/

P.A. TO JUDGE

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KURIAN JOSEPH, J.

O.P.NO.6208 OF 2001

Dated 22nd November, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or other appropriate writ direction or order directing the respondents 1, 2 and 4 to implement the direction in Ext.P4 within a time limit prescribed by this Hon'ble court.
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> (ii) Issue a writ of mandamus or other appropriate writ, direction or order directing the 2nd respondent to give number to the building and to issue licence to the petitioner, within a time limit prescribed by this Hon'ble court."

It is submitted that there are various civil suits pending between the petitioners and respondents 2 and 3. Therefore, the writ petition is disposed of directing the 2nd respondent to take appropriate action in the matter, based on the outcome of the suits pending between the parties, with notice to them.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO.6208 OF 2001

J U D G M E N T

Dated 22nd November, 2007.